	DOLLOV NUMBER. 1445
JUVENILE PAROLE BOARD	POLICY NUMBER: I-115
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	REPLACES: New
CHAPTER:	EFFECTIVE DATE: May 12, 2010
Policies	
SUBJECT:	RELATED MANDATES, STATUTES,
	STANDARDS, OR EXECUTIVE ORDERS:
Victim Services Program	Victim Rights Amendment of the Colorado
	Constitution
	Section 24-4.1-302, C.R.S.
	Colorado Children's Code
	Section 19-2-1002, C.R.S.
<b>\</b>	
Dear J. Conder	
APPROVED BY:	
Dean J. Conder, Chairperson	

#### **BACKGROUND / PURPOSE**

Colorado Statute mandates that the rights of victims of crime are to be protected. These rights include the right to be treated with fairness, dignity and respect, to be kept informed at all critical stages, and to be present and heard at parole hearings. The Colorado Juvenile Parole Board (JPB) is thereby statutorily mandated under 24-4.1-302, C.R.S. and 19-2-1002, C.R.S. to ensure the rights of victims of juvenile crime are protected during their offender's parole term. The JPB values the participation of victims of juvenile crime in their offender's parole hearing process and understands the importance of providing notification and advocacy services to victims of juvenile crimes.

## POLICY

It is the policy of the Colorado Juvenile Parole Board to ensure the rights of victims of juvenile crime, as defined in 24-4.1-302, C.R.S., are protected during their offender's parole term. It shall be the policy of the Board to provide victims of juvenile crimes information and advocacy, notification at critical stages of the juvenile's parole term and the opportunity to attend and be heard at their offender's parole hearings in a safe and respectful manner.

#### DEFINITIONS

Colorado Juvenile Parole Board (JPB): An independent decision making entity administered by the Colorado Department of Human services, with the authority to grant, deny, defer, suspend, revoke, or specify or modify the conditions of any parole for any juvenile committed to the department of human services as provided in sections 19-2-601 and 19-2-901, C.R.S.

Critical Stages: Events of the criminal justice process as defined by 24-4.1-302.5(2)(a-t), C.R.S.

<u>DYC Client Manager/Parole Officer:</u> The individual in each regional office who is responsible for the case management and parole supervision of youth committed to the Division of Youth Corrections.

<u>DYC Restorative Justice/Victim Services Coordinator (DYC RVSC):</u> The individual with the responsibility for the oversight and coordination of Victim Services and for coordinating the development and management of statewide services for the Division of Youth Corrections (DYC).

<u>Full Board Hearing:</u> Hearings required to be heard by a quorum of members of the entire JPB in the cases of juveniles determined by the courts to be "aggravated" or "violent" offenders as described in sections 19-2-516 (3) (4), C.R.S.

<u>Hearing Panel:</u> Body consisting of two alternating members of the JPB, who preside over most hearings for juvenile parole related requests across the state of Colorado as defined by 19-2-1002 (1-5) C.R.S.

<u>JPB Victim Services Coordinator (VSC):</u> The individual with the responsibility for the oversight and coordination of victim services, victim notification, victim hearing participation and for coordinating the development and management of statewide services for the Colorado Juvenile Parole Board.

<u>JPB Victim Services Program (VSP):</u> A JPB program offered to provide information, advocacy, facilitation of hearing participation and statutorily mandated notification upon request, to all victim(s) and/or the victims' immediate family members, of a juvenile offender who was charged with or convicted of a crime against that person.

<u>Regional Victim Notification Coordinator:</u> The individual in each Division of Youth Corrections regional office who has been trained and is responsible for providing statutorily mandated notification to victims of crime.

<u>Victim(s)</u>: Any natural person(s) against whom any eligible crime, as defined by 24-4.1-302(1)(a-hh), C.R.S. has been charged, perpetrated or attempted, unless the person is accountable for the crime or a crime arising from the same conduct, criminal episode, or plan as crime is defined under the laws of this state or of the United States; or any victim of a committing offense of a juvenile, who requests to participate in the JPB VSP and is determined to be appropriate by the Board, the JPB Board Administrator and/or JPB Victim Services Coordinator; or if such person is a minor, deceased or incapacitated, that person's spouse, parent, child, sibling, grandparent, significant other, victim representative designee, or other lawful representative.

<u>Victim(s)' Immediate Family:</u> The spouse, any child by birth or adoption, any stepchild, parent(s), step-parent(s), sibling(s), legal guardian, significant other, any victim representative designee, or lawful representative of the victim(s).

<u>Victim Notification:</u> Written and/or verbal notification of results of a juvenile offender's parole hearings, movements and status changes provided to victims of that juvenile's crime who have requested such notification.

## IV PROCEDURES

# A. General: Victim Services Program

- 1) Advocacy: The Juvenile Parole Board will have available a Victim Advocate to assist victims of juvenile crimes.
  - a. The JPB VSC will act as Victim Advocate for the Board and will be available to educate victims about the parole process, provide information, assist with appropriate referrals and with locating and accessing financial resources.
  - b. The JPB VSC shall facilitate victim participation in their juvenile offender's parole hearing according to the comfort level of the victim and the safety of all hearing participants.
  - c. Whenever possible, the JPB VSC will be available to provide on-site advocacy and support for victims of juvenile crime who wish to participate in parole hearings.
  - d. When requested by the victim, the JPB VSC will represent the victim of a juvenile crime at their offender's parole hearing.
  - e. The JPB VSC shall notify victims of crime who enroll for victim notification at all critical stages as defined in 24-4.1-302(2)(a-t), C.R.S.
- 2) Confidentiality: Crime victim confidentiality shall be strictly maintained throughout their juvenile offender's parole term.
  - a. Any and all information regarding a victim's identifying information and whereabouts shall remain strictly confidential and shall be provided only to the JPB VSC, JPB Administrator(s) and the DYC RJVSC and/or the DYC Regional Representative(s).
  - Identifying and confidential information about the victim will be redacted from any and all written testimony provided to DYC Client Managers/Parole Officers.
  - c. During parole hearings confidential information such as the location of a victim, past victimization of the victim outside of the current commitment, and any medical, mental health or substance abuse treatment information with regard to the victim will remain confidential. Any testimony from a victim participating in a hearing regarding such issues, should the victim wish to share them, will be conducted privately with the victim, with a victim advocate present, and will be conducted respectfully with specific attention to not retraumatizing the victim.
  - d. In the event that a victim who requires the support of a victim advocate chooses to attend a hearing, and the Victim Services Coordinator is not available, the Administrator for that hearing will assume the role of victim advocate and the lead panel member for that hearing will assume the role of Administrator.
  - e. Victims of juvenile crimes of domestic violence, sexual assault or stalking who are concerned for their safety will be offered the opportunity to enroll in the Colorado Address Confidentiality Program and will be provided assistance in doing so, by the JPB VSC.

## B. Victim Notification

1) Eligibility: Any victim of a crime, as defined by 24-4.1–302(1)(a-hh), C.R.S., or other crime as determined to be appropriate by the JPB Administrator and/or VSC may enroll in the Victim Services Program victim notification service.

### 2) Enrollment:

- a. Enrollment for victims of juvenile offenders who are requesting parole or are currently serving a parole term shall be voluntary and must be at the verbal OR written request of the victim, their immediate family, significant other or lawful representative.
- b. In the case of victims of juvenile crime who are under the age of 18 years and who are not emancipated, victim notification will be made to the victim's parent or legal guardian.
- c. When possible and appropriate the JPB VSC will attempt to contact victims of juvenile crimes against the person who are not enrolled in the DYC Victim Notification Program when their offender is scheduled for a parole hearing pursuant to their right to be notified at critical stages and the JPB's Victim Services Program.
- d. Victims of juvenile crime who wish to participate in a juvenile's hearing or who wish to receive other services from the JPB Victim Services Program may be enrolled for victim notification, however they shall not be required to be enrolled.
- e. The JPB VSC shall notify the DYC RJVSC, the DYC Regional Representative(s), and the JPB Administrator should a victim of juvenile crime notify the JPB of their decision to enroll either prior to or during their juvenile offender's parole.

## 3) Notification:

- a. Victims of juvenile crime who request to be enrolled in victim notification will be notified at all critical stages of their juvenile offender's parole term beginning when that juvenile is scheduled for a parole hearing or when the victim chooses to enroll, whichever occurs first.
- b. The JPB VSC will work collaboratively with the DYC RJVSC, the DYC Regional Representatives and the DYC Client Managers/Parole Officers to ensure that victims of juvenile crime are notified at all critical stages as defined by 24-4.1–302(2)(a-t), C.R.S. during that juvenile's parole term.
- c. The JPB VSC will work collaboratively with the DYC RJVSC, DYC Regional Representatives and DYC Client Managers/Parole Officers to identify cases where a victim's and/or their juvenile offender's safety would be jeopardized by notification or would be enhanced by specific additional information. In those cases JPB and DYC staff will determine what and how information is shared via victim notification.
- d. Any and all information regarding a victim's whereabouts shall remain strictly confidential and shall be provided only to the JPB VSC, JPB Administrator(s), DYC RJVSC and/or DYC Regional Representatives.

# C. <u>Hearing Participation</u>

- 1) Any victim of a crime, as defined by 24-4.1–302(1)(a-hh), Colorado Revised Statutes, or other crime as determined to be appropriate by the presiding Parole Board members, Administrator and/or Victim Services Coordinator, who wishes to, may participate in the parole hearing process, pursuant to the following conditions:
  - a. Crime victim(s) may request to participate in a parole hearing via written testimony, telephone or by videoconference hookup where available, or they may attend the hearing in person. The method by which a victim may participate in a hearing will ultimately be at the discretion of the JPB Administrator and/or Victim Services Coordinator who will consider the safety of all parties to a hearing when making a determination.
  - b. Crime Victim(s) shall be notified that they may furnish written testimony in addition to or in lieu of their attendance at a hearing and shall be encouraged to provide written testimony if they do not plan to attend the hearing.
  - I. When possible, the JPB VSC and/or JPB Administrator will provide a copy of written testimony to the DYC RJVSC, Regional Representative and DYC Client Manager/Parole Officer prior to the Juvenile's hearing.
  - II. Identifying and confidential information about the victim will be redacted from any and all written testimony provided to DYC Client Managers/Parole Officers.
  - c. Any crime victims wishing to be present at parole hearings are strongly encouraged to contact the JPB VSC prior to the hearing to arrange for their attendance.
  - Crime victim(s) shall be given the option to address the Board privately before the hearing if they do not feel comfortable providing testimony in the presence of the juvenile or others. If the crime victim chooses this option, the Board shall request the Client Manager/Parole Officer be present.
  - II. The crime victim(s) may join the hearing immediately following the Board interview of the youth regarding any statutorily protected information that may be discussed. The victim(s) of the crime may then provide oral testimony directly to the Board or may choose only to be present during discussion of the parole plan and for the Board's disposition of the case.
  - III. The hearing Administrator will advise the juvenile that any and all testimony shall be addressed directly to and only to the presiding Board members. The JPB VSC will advise the crime victim(s) that any and all testimony shall be addressed directly to and only to the presiding Board members.
  - IV. Crime victim(s) may choose to leave the hearing at any time during the process.
  - V. If there are multiple victims in a juveniles case in attendance, only one victim/family at a time may be present in the hearing room.
  - VI. The presiding Juvenile Parole Board members, Administrator and/or JPB VSC shall have the authority to call for a recess at any time during the hearing should the need become evident.
  - VII. The presiding Juvenile Parole Board members, Administrator and/or JPB VSC shall have the authority to remove any individual or individuals from the hearing proceedings at their discretion should the safety of anyone present at the hearing be in question.

- VIII. The JPB Administrator and/or JPB VSC shall make every possible effort to segregate crime victims from the offender and from other crime victims while waiting for the hearing to begin, during the hearing, during any hearing recess and following the hearing proceedings.
  - IX. The JPB VSC shall be available to support the victim(s) during the hearing whenever possible.
  - X. In the event that a victim who requires the support of a victim advocate chooses to attend a hearing, and the JPB VSC is not available, the Administrator for that hearing will assume the role of victim advocate and the lead panel member for that hearing will assume the role of Administrator.
- XI. Bringing children to hearings is STRONGLY discouraged as some discussions may not be appropriate for children. A child's participation in a hearing will be at the discretion of Panel members and/or the Administrator for the hearing.
- d. When possible, the JPB VSC will notify the DYC Client Manager, the DYC RJVSC, and the DYC Regional Representatives if a victim chooses to attend an exemplary discharge or other paper review hearing and the above named parties will have the option of attending that hearing although their attendance is not required.